

MAURICE MAY,)	Case No.: 2:10-cv-576-GMN-LRL
)	
Plaintiff,)	ORDER
vs.)	
)	
BRIAN E. WILLIAMS, SR., <i>et al.</i> ,)	
)	
Defendants.)	
)	

Plaintiff's motion concerns the sealing and review of Exhibit "F" to Defendants' Motion for Summary Judgment (ECF No. 20) and requests time to conduct discovery prior to opposing said dispositive motion in this action. Plaintiff is not requesting a stay with respect to Defendants' qualified immunity defense.

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1 medical staff.

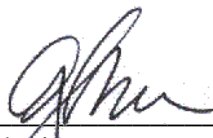
2 Plaintiff also moves the Court to allow discovery before he is required to respond
3 to Defendants' Motion for Summary Judgment. To request a continuance under Federal
4 Rules of Civil Procedure, the opposing party must show what facts he or she hopes to
5 discover that would raise a material issue of fact. *See Terrell v. Brewer*, 935 F.2d 1015,
6 1017–18 (9th Cir. 1991); Fed. R. Civ. P. 56(d). While Plaintiff believes there exist facts
7 that would help prove his case, he does not object that the issue of qualified immunity
8 can be briefed and ruled on at this juncture.

9 The threshold qualified immunity question should be resolved before discovery is
10 allowed. *See Siegert v. Gilley*, 500 U.S. 226, 231 (1991). Therefore, Plaintiff's motion
11 must be denied so that the Court may address Defendants' qualified immunity defense.
12 Plaintiff is also directed to address the other issues raised by Defendants' Motion for
13 Summary Judgment; however, the Court will consider that discovery has not yet taken
14 place with regard to other issues raised.

15 **IT IS HEREBY ORDERED** that Plaintiff Maurice May's Motion for Stay (ECF
16 No. 23) is **DENIED**.

17 Plaintiff is **ORDERED** to respond to Defendants' Motion for Summary Judgment
18 (ECF No. 20) by **May 16, 2011**.

19 DATED this 27th day of April, 2011.

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Gloria M. Navarro
United States District Judge
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